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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,168	07/03/2003	Neil L. Marko	2124A-000021	9153

27572 7590 02/04/2004

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EXAMINER
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PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/613,168

Applicant(s)

MARKO ET AL.

Examiner

Alexandra K Pechhold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,12-14,17-19,23,25,27,30,31 is/are rejected.
- 7) ☒ Claim(s) 9-11,15,16,20-22,24,26,28 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Regarding claims 1, 23, 27, and 30, the phrase "and the like" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claims unascertainable. The Examiner recommends modifying or deleting this phrase.
2. Claim 21 recites "said upper end of said T-shaped connector...said T-shaped protrusion...". Neither of these elements are set forth in claim 1, which claim 21 is dependent on. It appears claim 21 was supposed to be dependent on claim 20 instead, where these elements are set forth, and for the purpose of examination, is being treated as dependent on claim 20. If this is correct, a correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-3, 12-14, 17-19, 23, 25, 27, 30, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Frederiksen (WO 01/02667 A1).**

Regarding claim 1, Frederiksen discloses a ramp system comprising ramp modules of at least two different configurations, one of said at least two ramp module configurations being an inclined ramp module (see ramp element 2A in Fig. 1) having

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an inclined upper support surface supported on generally triangularly shaped side walls substantially over its length (as shown in Fig. 1), said inclined ramp module having an end wall at one end of said side walls and at the upper end of said inclined surface, another of said at least two module configurations being a straight ramp module (see tile elements 4 in Fig. 1) having a generally horizontal, planar upper support surface supported on generally rectangularly shaped side walls substantially over its length, said straight ramp module having end walls at opposite ends of said side walls and said straight support surface (shown in Fig. 1), said inclined ramp module having a bottom side engageable with a ground surface (see Fig. 1) and alternatively adapted to be supported upon said planar support surface of said straight ramp module in a stacked relationship (see ramp element 2 stacked on tile element 4 in Fig. 1), said straight ramp module having a bottom side engageable with a ground surface (see Fig. 1), said end wall of said inclined ramp module adapted to be secured to one of said end walls of said straight ramp module for end-to-end assembly (as shown in Figs. 1-4).

Regarding claim 2, Frederiksen illustrates the bottom side of the straight ramp module adapted to be supported on the planar support surface of another of the straight ramp modules in a stacked relationship in Figs. 5 and 6.

Regarding claim 3, Frederiksen illustrates in Figs. 5 and 6 either of said end walls at the ends of said straight ramp module adapted to be secured to the opposite end wall of another of said straight ramp modules and to said end wall of said inclined ramp module for end-to-end assembly.

Regarding claim 12, Frederiksen discloses a first attachment means for connecting selected ones of said inclined ramp modules and said straight ramp modules for end-to-end alignment shown by the use of coupling pieces (14) in Figs. 1 and 2. The first attachment means comprises at least one T-shaped protrusion and at least one T-shaped channel groove on said end wall of said inclined ramp module and on said end wall of said straight ramp module with the same spacing between each, as illustrated in Figs. 1 and 2 if you view the piece (14) inserted in a cut-out (12) as forming a T-shaped protrusions with its corresponding cut-out being empty and thereby forming a T-shaped channel groove. The T-shaped protrusion (seen as end of coupling piece 14) on one of said ramp modules is adapted to be slidingly, matingly moved into said T-shaped channel groove (seen as cut-out 12) on another of said ramp modules ramp modules with said T-shaped protrusion on said another of being slidingly, matingly moved into said T-shaped channel groove on said one of said ramp modules.

Regarding claim 13, Frederiksen also discloses a second attachment means for connecting selected ones of said inclined ramp modules and said straight ramp modules for side-by-side alignment, shown by the use of the coupling pieces (14) for side to side alignment in Figs. 1 and 3.

Regarding claim 14, Frederiksen discloses the limitations of the claimed invention by the use of the coupling pieces (14) which allow the ramp elements (2A) to be connected together, and the tile elements (4) to be connected together, the T-shaped protrusion being viewed as the ramp element or tile element having the coupling piece (14) inserted in the cut-out (12) and extending therefrom, and the T-shaped

channel groove viewed as simply the cut-out (12), as described by the examiner with respect to claim 12 above.

Regarding claim 17, Frederiksen discloses the limitations of the claimed invention as discussed in regards to claims 12 and 14 above.

Regarding claim 18, Frederiksen meets the claimed recitation since the coupling pieces (14) can be used on the sides or ends of the ramp or tile elements, being interchangeable.

Regarding claim 19, Frederiksen discloses a wedge-angle of 10-20 degrees in claim 1, which meets the claimed recitation of about 19 degrees.

Regarding claim 23, Frederiksen discloses the limitations of the claimed invention as discussed in regards to claim 1 above. Furthermore, Frederiksen illustrates the last two "paragraphs" of the claim, claiming the same lengths, widths, and end wall sizes of the ramp sections and straight sections, all shown in Fig. 1 of Frederiksen.

Regarding claim 25, Frederiksen discloses the limitations of the claimed invention as discussed in regards to claims 4 and 5 above.

Regarding claim 27, Frederiksen discloses the limitations of the claimed invention as discussed in regards to claim 1 above. Furthermore, Frederiksen discloses the limitation that either one of said end walls at one end of said straight ramp module are adapted to be secured to the opposite end wall of another of said straight module for end-to-end assembly, since the coupling device (14) fit all of the cut outs (12).

Regarding claim 30, Frederiksen discloses the limitations of the claimed invention as discussed in regards to claims 1 and 12 above.

Regarding claim 31, Frederiksen discloses the limitations of the claimed invention as discussed in regards to claim 4 above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frederiksen (WO 01/02667 A1) as applied to claim 1 above, and further in view of Felzer (US 2,450,648).** Frederiksen discloses the inclined ramp module being of a generally hollow structure (Frederiksen discloses the ramp and tile elements as shell elements on page 6, lines 3-7) with said triangularly shaped side walls and end wall being of a relatively thin wall thickness, the lower extremities of said triangularly shaped side walls and end wall defining the bottom side of said inclined ramp module.

Frederiksen fails to disclose the inclined or straight ramp module having a plurality of longitudinally and transversely extending internal ribs of a generally thin wall thickness, at least some of said internal ribs having at least a bottom portion extending downwardly to substantially the same location as the extremities of said triangularly shaped side walls and said end wall to provide further support for said inclined ramp module at said bottom side. Felzer teaches a ramp with longitudinally spaced channels (30) which extends down the sidewalls to the bottom edge thereof, so that the ramp can support a lot of weight using light gauge metal without any interior bracing, thereby preventing collapse of the side walls under the weight of a vehicle (Figs. 1 and 2; Col 2, lines 14-30). The channels (30) extend down the entire sidewall area of the ramp, and can be termed "internal" since they extend inward of the profile (see Fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ramp of Frederiksen to include the ribs as claimed on the inclined or straight ramp module, as taught by Felzer, since Felzer states in column 2, lines 14-30 that such ribs provide structural integrity without the need for interior bracing, preventing collapse of the sidewalls under weight.

**8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frederiksen (WO 01/02667 A1) as applied to claim 1 above, and further in view of Seitz (US 6,341,533).**

Regarding claim 7, Frederiksen fails to disclose the inclined and straight upper support surfaces having a textured, roughened finish to inhibit slippage. Seitz teaches the ramp sections desirably have upper surfaces (27) containing grooves or serrations

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(29) as shown, for example, in the detail provided in Figs. 3 and 10. Seitz notes that surface grooves (29) provide an anti-skid characteristic, but any other form of anti-skid surface may be utilized, including but not limited to, a sand loaded surface, a rubberized surfaces, a textured surface and combinations thereof. Seitz states that those of skill in the art will understand how to choose or apply suitable non-skid surfaces. (Col 3, lines 52-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the inclined and straight upper support surfaces of the ramp of Frederiksen to have a textured, roughened finish to inhibit slippage as taught by Seitz, since Seitz states in column 3, lines 52-64 that any type of texture provides a beneficial anti-ski characteristic.

Regarding claim 8, Frederiksen fails to disclose the material of the ramp modules, thereby failing to meet the claimed recitation of the ramp modules of being made from a high density plastic such as a high density polyethylene. Seitz teaches a ramp made of plastic as one possible material (Col 5, lines 5-7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ramp material of Frederiksen to be plastic as taught by Seitz, since plastic is well known for its advantageous strength, durability, and economical benefits.

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***Allowable Subject Matter***

9. Claims 9-11, 15, 16, 20-22, 24, 26, 28, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

  
**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

AKP  
1/14/04